

## **REMARKS**

The application has been reviewed in light of the Final Office Action dated January 14, 2005.

Claims 1-5 are currently pending in the Application. In the Office Action, Claims 1 and 2 were again rejected under 35 U.S.C. § 102(e) as anticipated by *Jonsson et al.* (U.S. 6,385,585), Claim 3 was again rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jonsson* in view of *Makela et al.* (U.S. 6,301,338), and Claims 4-5 were again rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jonsson* in view of *Svensson* (U.S. 6,301,338).

With regard to the Examiner's use of *Jonsson* in the rejections of independent Claims 1 and 5, it is again respectfully submitted that the Examiner is incorrect as the prior description of Figs. 5A and 5B in cols. 9 and 10 of *Jonsson* makes clear that such a short message and/or alert message would first be transformed to a formant frequency and then processed in a vocoder before being transmitted over the voice band. (See, col. 9, lines 29-34, and 62-67) The subsequent description of Fig. 6 (at col. 11, lines 4-16) also makes clear that symbols are first converted to formant frequencies before transmission over the voice band.

However, in response to the arguments filed on October 13, 2004, the Examiner now asserts that *Jonsson* teaches "several exemplary apparatus for communicating input symbols over a speech channel", only one of which teaches using the formant frequencies. To allegedly evidence this teaching, the Examiner again cites col. 10, lines 39-44 of *Jonsson*, which reads as follows:

"In still another exemplary application, the user may send short messages or commands to the server both during voice conversation and when no communication is going on."

The Examiner then asserts that “a short message” corresponds to “non-converted character data.” It is respectfully submitted that the Examiner is incorrect.

More specifically, it appears the Examiner is attempting to argue that *Jonsson* teaches when no conversation is taking place, no conversion would be performed on the character data before transmission. However, as recited in the independent claims of the present application, non-converted character data is being transmitted *during a conversation*. This feature is not taught in this cited section or any other section of *Jonsson*. That is, there is no section of *Jonsson* that teaches transmitting non-converted character data *during a conversation*. *Jonsson* only teaches the method of transmitting the character data as formant frequencies during a conversation. *Jonsson* provides no teachings of how character data is transmitted when no conversation is taking place. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting the claims of the present application in view of *Jonsson*, and it is respectfully requested that the rejections of independent Claims 1 and 5 be withdrawn.

Without conceding the patentability per se of dependent Claims 2-4, it is submitted that Claims 2-4 are allowable at least by virtue of their dependencies on independent Claim 1. Reconsideration and allowance of Claims 2-4 is also respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all pending claims, namely Claims 1-5, are in condition for allowance. Early and favorable consideration and allowance of Claims 1-5 is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

DILWORTH & BARRESE, LLP

By:

  
\_\_\_\_\_  
Paul J. Farrell  
Registration No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE, LLP  
333 Earle Ovington Boulevard  
Uniondale, New York 11553  
(516) 228-8484  
(516) 228-8516 (FAX)  
PJF/DMO/las